

AMENDED IN ASSEMBLY APRIL 29, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1657

Introduced by Assembly Member Gomez
(Coauthor: Assembly Member Chau)

February 11, 2014

An act to add *Section 756 to the Evidence Code, and to add Section 68092.1 to the Government Code*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1657, as amended, Gomez. Courts: interpreters.

The California Constitution provides that a person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings. Existing statutory law requires, in any civil or criminal action, as specified, a sign language interpreter to be appointed for a party or witness who is deaf or hearing-impaired and generally requires the payment of these court interpreters' fees to be a charge against the court.

Existing law also requires, in any specified action or proceeding relating to domestic violence, an interpreter to be provided by the court for a party who does not proficiently speak or understand the English language to interpret the proceedings in a language that the party understands and to assist communication between the party and his or her attorney. Existing law generally requires court interpreters' fees to be paid by the litigants in civil cases, as directed by the court, but further requires the fees of an interpreter to be waived for a party who needs an interpreter and appears in forma pauperis.

This bill would *expressly* authorize the court to provide a court interpreter in any civil action or proceeding at no cost to the parties,

regardless of the income of the parties. *The bill would require interpreters to be provided in accordance with a specified order of priority, if sufficient funds are not appropriated to provide an interpreter to every party who needs one.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 756 is added to the Evidence Code, to*
2 *read:*

3 756. (a) *To the extent required by other state or federal laws,*
4 *the Judicial Council shall reimburse courts for court interpreter*
5 *services provided in civil actions and proceedings to any party*
6 *who is present in court and who does not proficiently speak or*
7 *understand the English language for the purpose of interpreting*
8 *the proceedings in a language the party understands, and assisting*
9 *communications between the party, his or her attorney, and the*
10 *court.*

11 (b) *If sufficient funds are not appropriated to provide an*
12 *interpreter to every party that meets the standard of eligibility, the*
13 *expansion of court interpreter services shall be phased in by case*
14 *type in the following order:*

15 (1) *Parties proceeding in forma pauperis, pursuant to Section*
16 *68631 of the Government Code, in the following types of actions*
17 *and proceedings:*

18 (A) *Actions and proceedings relating to domestic violence,*
19 *including family law matters that include issues of domestic*
20 *violence, and actions and proceedings under the Elder Abuse and*
21 *Dependent Adult Civil Protection Act (Chapter 11 (commencing*
22 *with Section 15600) of Part 3 of Division 9 of the Welfare and*
23 *Institutions Code).*

24 (B) *Actions and proceedings to terminate parental rights.*

25 (C) *Actions and proceedings relating to conservatorship or*
26 *guardianship, including the appointment or termination of a*
27 *probate guardian or conservator.*

28 (D) *Actions and proceedings relating to unlawful detainer.*

29 (E) *Actions and proceedings by a parent to obtain sole legal or*
30 *physical custody of a child or rights to visitation.*

1 (2) *Parties proceeding in forma pauperis, pursuant to Section*
2 *68631 of the Government Code, in the following types of actions*
3 *and proceedings:*

4 (A) *All other actions and proceedings related to family law.*

5 (B) *Actions and proceedings under Section 527.6 of the Code*
6 *of Civil Procedure.*

7 (3) *Actions and proceedings in which a party is not appearing*
8 *in forma pauperis relating to domestic violence, including family*
9 *law matters that include issues of domestic violence, and actions*
10 *and proceedings under the Elder Abuse and Dependent Adult Civil*
11 *Protection Act (Chapter 11 (commencing with Section 15600) of*
12 *Part 3 of Division 9 of the Welfare and Institutions Code).*

13 (4) *All other civil actions or proceedings in which a party is*
14 *appearing in forma pauperis pursuant to Section 68631 of the*
15 *Government Code.*

16 (5) *All other civil actions or proceedings in which a party is not*
17 *appearing in forma pauperis.*

18 (c) *A party shall not be charged a fee for the provision of a*
19 *court interpreter.*

20 (d) *This section shall not be construed to alter, limit, or negate*
21 *any right to an interpreter in a civil action or proceeding otherwise*
22 *provided by state or federal law, or the right to an interpreter in*
23 *criminal, traffic, or other infraction, juvenile, or mental competency*
24 *actions or proceedings.*

25 (e) *This section shall not result in a reduction in staffing or*
26 *compromise the quality of interpreting services in criminal,*
27 *juvenile, or other types of matters in which interpreters are*
28 *provided.*

29 ~~SECTION 1.~~

30 SEC. 2. Section 68092.1 is added to the Government Code, to
31 read:

32 68092.1. Notwithstanding Section 26806 or 68092, or any
33 other law, a court may provide an interpreter in any civil action or
34 proceeding at no cost to the parties, regardless of the income of
35 the parties. *If sufficient funds are not appropriated to provide an*
36 *interpreter to every party who needs one, interpreters shall be*
37 *provided in accordance with the priorities set forth in Section 756*
38 *of the Evidence Code.*

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